

Jermyn Borough

Council Minutes

March 2, 2017

The Jermyn Borough Council held a council meeting on March 2, 2017 at 7:00 p.m. at the Jermyn Community Center, 440 Jefferson Avenue, Jermyn, PA in the Council Chambers.

On roll call present were: Messrs. Frank Kulick, Robert Parks, Dan Markey, Kevin Napoli, and Joseph Smith. Absent were: John Mark and JoAnne Wilson Also present were Mayor Bruce Smallacombe, Tony Grizzanti; KBA, Fire Chief Ray Rood, Zoning Officer Bob Chase, Atty. Christopher Harrison, Dylan Reeves and Evan Samuelsen; Junior Councilmen.

MINUTES: A motion was made by Mr. Markey to accept the February 16, 2017 minutes, seconded by Mr. Parks; all in favor, motion carried.

SOLICITOR: Mr. Kreizer from County Waste is requesting a signed copy of the garbage contract. He thought he sent it here to be signed. Atty. Harrison said they sent him a new copy to be signed.

The deed is drafted for the sale of the DPW garage, also the agreement of sale. Atty. Harrison said he will give the buyer's attorney the agreement of sale to look over. They will do a title search. First we need the agreement of sale which can take a couple of weeks.

Atty. Harrison said by law we can have a third party agency administer the code for the code enforcement officer. The party mentioned was NEIC. Mr. Kulick asked if there was a fee schedule. Atty. Harrison said they do not have a fee schedule but they will obtain it.

ORDINANCES: *Fire Company Reimbursement Ordinance #3-17:* To obtain reimbursement through a person's insurance policy when emergency services are rendered.

Mr. Rood asked what happens with just accidents and ambulances. We sub contract to William Walker for our accidents and ambulance. Mr. Napoli said they go after the automobile insurance and it would encompass everything. Mr. Smith asked if the fee schedule is set or can it change from person to person. Atty. Harrison said right now the fire companies can set their fee schedule. Mr. Rood said the insurance companies probably have a maximum. Mr. Markey said that pump details are customarily not covered under an insurance policy which is something we would not be able to bill for. Most insurance policies that he has seen have a clause in there that pays emergency services up for \$500.00. Mr. Smith asked if we are billing \$500 for every fire. Mr. Napoli

said it is for an actual structural fire. If there is something that services are rendered to actually put out a fire or provide services that is covered under renters or homeowners insurance. Mr. Smith asked if the fire company is billing them. Mr. Napoli and Mr. Markey said yes. Mr. Rood said if it is not in your insurance policy we are not going to bill the homeowners. Mr. Napoli said we will directly go to the insurance companies, we will not charge the individual. Mr. Markey said if there is a case where someone is not insured it does not make any sense to bill them. Mr. Smith said it would be fair if we had a standard fee for everyone. The fire company can come up with their own fee schedule. A motion was made by Mr. Markey to accept the Fire Ordinance as written and advertised, seconded by Mr. Napoli. All in favor; motion carried.

Tax Collector Ordinance #4-17: Setting Forth additional obligations of tax collector. A motion was made by Mr. Markey to pass the tax collector ordinance as read and advertised, seconded by Mr. Parks. All in favor; motion carried.

Mr. Markey said to notify the current tax collector and we require a report by the March 16, 2017 meeting.

RECYCLING TRUCK: The Borough of Archbald wrote a letter to purchase the 2014 Freightliner Recycling Truck in the amount of \$10,466.00. Mr. Kulick said we talked about advertising this but the bottom line is we cannot get more than \$10,466.00 for it. A motion was made by Mr. Markey and seconded by Mr. Smith to allow the sale of the Recycling Truck to the Borough of Archbald for \$10,466.00 upon approval by DEP. All in favor; motion carried.

STORM ISSUES: Mr. Kulick, Mr. Napoli, Mr. Markey and Tony Fuga rode around town. Mr. Kulick said the creek was dangerously high. There are two problem areas. 720 Lincoln and 298 Delaware. Mr. Kulick said the minutes of our meetings we talked about 720 Lincoln for the last few months. The water is coming from Mayfield. Tony Grizzanti said the water coming from Mayfield is historic and that is why 10 years ago the County gave Jermyn \$200,xxx to put in that system. It was put in 2008, up until recently it worked. It clogs up the pipe and the catch basin that is there sits too high and overwhelms it and flies across the road. Tony said Mr. Hunt and his neighbor have a problem with ground water during storm; the water is coming up in the basement. They are associating that with the pipe. Tony looked in the pipe and it is perfectly secured. He wants to get into the catch basin and see what it is down there. The grate is welded on there and he was unable to get it off. Tony said we need to create a little bowl there and get rid of the 15 inch pipe. The catch basin is 7 ft. deep with a 3ft. riser. We can lower it a foot and a half. Tony said it would be about \$4,000-\$5,000. Mr. Hunt also wants all the trees cut down across the street from him because all the leaves coming down and blocking the drains. Mr. Parks said there was an issue after the project was done, within months to a year after it was originally put in.

Tony said the sewer issue over at the Woodlands is not a Borough issue. It is a private lateral that runs from their house between the two yards and hits the Borough line at the

bottom. They have some concerns that other people may be tied into their line. They are going to try and clean it out and camera it and see who is tied into their line.

Mr. Markey said Roto Rooter came out there the other day across from 11 Old Mill. And checked the manhole and said the sewer is clogged. Tony said there is such little sewage going through there and it sits there. He said having someone go over and jetting it out every once in a while isn't a bad idea. Mr. Markey asked if we can hire the Sewer Authority to clean it out Tony said yes and also suggested Archbald Borough. Mr. Parks said the top of the woodlands, the manhole there we had Roto- Rooter there in 2010 and they broke their camera tract because of the roots.

Mr. Kulick read aloud a letter that was sent from Diane Truman of 248 Delaware. The pipe is full of debris and after the storm on Saturday the water was as high as the bottom step of the porch. Mr. Parks said the pipe is actually lower than what it should be, back in 2005-2006 when we paved Delaware the paving company paved right over it. The pipe was replaced and Mr. Parks suggested at the time to put it further down. Tony said the amount of water that runs down that street just continues down. Mr. Parks said the suggestion at the time was to run the pipe down to Bottler's but it was too costly. Mr. Markey asked besides torrential downpours like the one we had on Saturday is this ever a problem. Mayor Smallacombe said it is to the resident. Mr. Parks said it can be cleaned out and solve some of the problem.

JOHNSON CT.: The renter has a permit for a fence and shed. The renter is saying that there was damage to her property by plowing. Also, there was discussion about the possibility of opening that road again. The renter is worried where their land is. Mr. Markey said it is her responsibility to find out if she is putting up the fence on her property. The property is owned by Carl Snyder. Mr. Markey said this was discussed last meeting. There is a dispute of whether it is Borough property or private property in regards to the renter issue. It is private property. Mr. Parks said it was never a Borough road. Mayor Smallacombe said it was never opened up and used. The renter is saying she has a permit for the shed and fence, the fence is going where the DPW plows and she wants to know if it or isn't her property. Mr. Chase said she has to prove where her property is. Mr. Parks said it should be up the resident to prove that it is her property, not the Borough. Mr. Chase will call the renter. Mr. Chase also said he did not sign that permit.

Mr. Markey said we now have a complaint log for Borough residents and he asks all of council, fire chief, zoning and engineer to forward the messages to the Borough secretary and we will have a log so everything is centralized in one place.

RESOLUTION FOR MUNICIPAL PENSION PLAN: It is required to have a Chief Administrative Officer (CAO) for the pension plan. A motion was made by Mr. Napoli and seconded by Mr. Markey to pass the municipal pension plan resolution. All in favor; motion carried.

CDBG: Lackawanna County Community Development Grant, proposals need to be in June 16, 2017. Mayor Smallacombe said you have to find an area where it is low income to be qualified. Mr. Parks said we used to be qualified until the developments came. Mayor Smallacombe said there are still some things we can do for example handicapped accessible, intersections, handicapped curbed and sidewalks. The hearing is on Wed. April 19th for more information regarding the grant.

RENTAL AFFIDAVIT: A letter was sent to council in regards to the rental permits. A property at 204 Delaware stating that the property is not a rental and it is co-owned. Mr. Parks said there are two sisters that live there. Mr. Markey asked if they are rental units. Mr. Markey said after we pass this affidavit can we get them taken off the rental list so this does not happen again next year. A motion was made by Mr. Markey to release the Yurkanin's from the rental unit permit fee, seconded by Mr. Parks. All in favor, motion carried.

Scott Outman submitted an affidavit to council for the rental permit. Mr. Chase said he started fixing the house up and has not worked on it in two years. Mr. Chase said he would keep it on the list for next year because when it gets sold it can be a rental. Mr. Markey asked if it was a single dwelling and isn't the ordinance for multi-dwelling. Mr. Parks said no it is for any property that is a rental. A motion was made by Mr. Markey to release Mr. Outman from his rental permit fee, seconded by Mr. Napoli. All in favor; motion carried. Mr. Kulick said last year we collected about \$700 in rental fees, this year we are up to about \$8,000.

Mr. Chase asked if we have a list of where the rentals are and he would like to see the list because he may know one or two that are rentals and are probably not on that list. Mr. Markey said he can see the list.

PUBLIC COMMENT: Robert Hunt 720 Lincoln Ave- He said it has been 5 months he said something about the water at his house. Tony Grizzanti said he does not think the Borough will go in and cut down the trees at the private property. We need to lower the catch basin and build a bowl to get the water in. Mr. Hunt said the trees are still going to block up the drain. Tony said if we get a bowl there with rocks, we still have to maintain it. Mr. Hunt said this problem has been going on for 6 months. Mr. Kulick said it has been discussed a few times and we were waiting on KBA to go look at the issue. Mr. Hunt said the water is coming up out of the ground somewhere. Tony said there is no way for that storm water to get into the ground and coming into the basement if it is not coming from that pipe. If that pipe is intact and the water coming over from Mayfield is running over the ground, that's not the water that is coming up in the basement which is a completely different issue. Then it gets a little trickier as to who looks for that problem. Mr. Hunt also said the water coming down is going over the neighbor's driveway and into his yard because there is no curb. Mr. Parks said the curb isn't there because the previous owner complained that the curb was causing their vehicle to bottom out. Mr. Hunt asked what the timeline is. Tony said he can put a proposal together. Mayor Smallacombe asked if we can write a letter to Mayfield because it is there water that is coming into Jermyn. Tony said they can also build a catch basin on top of the hill and

pipe it down the hill. Tony said we would still need the basin down below. Mayor Smallacombe said we can try and catch the water on top and it would eliminate the overflow that comes down and goes across the street. Mr. Kulick asked if KBA can get a proposal on what we discussed. Mayor Smallacombe said this would be joint municipality project and it would be easier to get grant money through one of our state representatives. Mr. Smith told Tony we first have to observe the problem and then come back in 2 weeks with your recommendation to council and we can decide what we are going to do. Tony said he will also talk to Mayor Chelik. Mr. Hunt asked who's responsible for the fallen trees in the road. The roots are all showing from the water and the trees are going to fall. Tony said we can ask the land owner and see if it is a hazard and we can inform the land owner. Mayor Smallacombe said he would volunteer to do the work involving the catch basin and riser.

BOROUGH SECRETARY:Mr. Kulick said because of the amount of work and time needed to take care of everyday borough business that we increase the borough secretary's hours by an hour and a half a day. A motion was made by Mr. Napoli and seconded by Mr. Markey to increase Cara Frankosky's to an hour and a half a day. All in favor; motion carried.

DPW TRUCK:Mr. Mark had lunch with representative Kavulich who indicated he would be receptive to helping us get funding for a new DPW truck. Mr. Markey will drop off the specifications of the truck to Mr. Mark.

DELINQUENT GARBAGE:We are sending out letters for delinquent garbage fee bills for those who have not paid in 2016. They will have 30 days to pay their bill or we will stop collecting their garbage. If it is delinquent it goes to the Lackawanna County Tax Claim Bureau. The county collects our delinquent taxes and garbage fees.

FIRE SIREN:Mr. Kulick said we received 1 estimate on the electrical work that would be needed to rewire the siren to a separate meter. Mr. Kulick said he has done some research and read that many boroughs within the state have eliminated the fire siren. Mr. Rood said we do not need it for the fire service but by Federal Law we may need it for Emergency Services such as flooding, natural disasters. We need some kind of warning device to notify the people. Mr. Markey said if there was a flood or tornado right now we have the same tone as if there was a fire and people would think it was just a fire. Mr. Rood said as far as for the fire services with the pagers we have, not everyone has pagers, for us a pager is \$500.00. Mr. Rood said instead of spending that kind of money to separate the meter, we are better off to make a deal with the buyer and give him a certain amount of money each month that goes towards the siren. Mr. Chase asked why he is buying the DPW garage. Mr. Napoli said he is going to use it for storage for his sound system business. Mr. Rood said he will need to contact the buyer if he wants access to the siren. Mr. Napoli said the buyer will give us access to be able to shut off or turn on the siren and if we need to get up to it we can give the buyer a call and be more than willing to come down and let us in.

AIR CONDITIONER: Mr. Markey said we resurfaced that heating/cooling issue in council chambers. We budgeted for \$4,800 to buy an HVAC unit. We spoke about how our main issue is noise in the summer time when we have the air conditioners going. The heater still works fine and through the 4 hours of month that we need it heated during the month it isn't a big deal. Mr. Markey was asked to get some prices on replacement air conditioners last meeting. Mr. Markey received the prices. Friedrich 24,000 BTU chill/heat window Air conditioner, it will cool it in the summer and heat in the winter. They are regular window units. The price is \$819 each, we will probably need two. This will be \$1,600 rather than \$4,800 to take care of a room we are in twice a month. Mr. Smith said anything that will cool the room down and we can conduct business in a normal sense and is not going to cost us as much is a good idea. Mr. Napoli asked how we are going to get them and installed. Mr. Markey said DPW is going to take care of it. A motion was made by Mr. Markey and seconded by Mr., Napoli to purchase two Friedrich air conditioners for \$819/ each to be installed by the DPW workers. All in favor, motion carried.

SHADE TREE: The Shade Tree is requesting approval for the following activities:

Arbor Day- Wednesday April 26, 2017 tentative at 6:00 p.m. at the Jermyn Community Center.

Jermyn Clean up Month- April 22 to May 20.

Jermyn Town-Wide Yard Sale May 6th & May 7th.

Mr. Markey asked for the Arbor Day event did they fill out an application to use the gym. Mr. Parks said they use the Legions room.

Mr. Markey said May 7th is the Crystal's chicken BBQ. Mayor Smallacombe said it will help because you will have people riding through town. Mr. Markey asked why it says "in partnership with Council." Mr. Kulick said we are just endorsing it and Shade Tree is asking for the police, fire police and DPW to assist if necessary. Mr. Markey said he does not think DPW will assist. Mr. Smith said personally we should not be involved anything more than giving our approval. Mr. Markey said what happens on Monday May 8th when people have their stuff all over the place and DPW has to pick it up. Mayor Smallacombe said they should not be involved in anyway. Mr. Smith said if they want to contact the police department and secure policeman or fire police that is on their own. Mr. Smith said the only thing we should do is say yes to the event and limit it to that. Mr. Markey said if the Borough is going to sponsor a town wide yard sale then people will think the can throw their stuff on the sidewalk. Mr. Parks said they have to clean up after they have their yard sale it is their responsibility. A motion was made by Mr. Parks and seconded by Mr. Smith to allow the Shade Tree to sponsor the events listed in their request with the blessings of council but without assistance. All in favor; motion carried. Mr. Kulick said we have our normal police patrols on that weekend.

OTHER: Mr. Smith asked if we are going to do the Electronics Recycling Drive this year. Mr. Markey said the Lackawanna County Recycling Center is now up to \$2.00/LB. The County Recycling Coordinator is trying to get them to host a week or two weeks where there is no charge. Our other option is that we can use the vendor we used last time and he took everything for free. If we use the vendor we will be stuck with all old TV's here and we will have to bring them down to the recycling center and get charged for them. We either pick a date or decide to do it and we use the same vendor or we wait until The Recycling Center has a drive. Mr. Markey said he was contacted by someone in Mayfield and they will collect our electronics and pay us for it, we still have the issue that they will not take the CRT's either. Mr. Smith said maybe we should wait for the Recycling Center and see what they come up with before we set the date. Mr. Markey said a lot of people do not have an outlet to drop off their CRT and they will bring it in here from out of town.

Mayor Smallacombe attended an event with the County. Every Community was represented there. He spoke about the history of Jermyn, we have two fire companies, we have volunteers and organizations and about our parks here within the Borough. They gave us a copy of the new County Logo to put on the glass windows of the doors.

Mr. Markey asked who owns the old Jermyn Discount Market. The owner's brother lives in the basement. Chief Arthur went to talk to them and no one answered.

Mr. Rood said the property at 536 Washington that was going to be torn down has been changed to being rebuilt. The right side will be dug out and they will put a new foundation in and it will be redone with 4 apartments. Mr. Rood said there is money available through Senator Blake for tearing down buildings but they have to be condemned first. The red house should have been condemned first. Mr. Rood said one of the reasons why he gave up code enforcement because the owner of the red house should have been fined after he received the letter. Mr. Rood said we still do not have a fee schedule set up. His recommendation is to get a third party inspection be the code enforcement because they have the certification. Mr. Kulick said we have to see what the costs are. Mr. Markey said you look at others town what they may consider Main St. there are some who are really trying to improve. There is a lot of thru traffic, not a lot of foot traffic; he wants to see what we can do as leaders in the community to improve that. Mr. Markey was asking Mr. Chase about the zoning on Main St. he does not know what we can do but he has been looking at a lot of different Facebook pages about local municipal leaders and seeing all these ideas. Mr. Kulick said the problem is 70 percent of our Main St. is multi-unit buildings. Mayor Smallacombe said the store fronts we had turned into apartment buildings. The people who own the buildings do not live in town and they just rent them out. Mr. Markey said the windows are not properly boarded up in regards to the red house on Washington. We are still in the same situation we were in months ago. Mayor Smallacombe said we fine them under the ordinance we have. Mr. Rood said we cannot do anything until he lets us in there to inspect the building to say it is unsound and needs to come down. Mayor Smallacombe said it can be considered a dangerous structure ordinance; it is not boarded up properly. Mr. Markey said we should have been going after the owner for the past 6 months. Mr. Markey said we need to find

a new code enforcement officer whether it is an individual or a business, set up a fee schedule and stop dragging our feet. Everything is the same way it was a year ago and he has been told about 3 houses in the 700 block of Madison that are in the same boat with critters running in and out. Mr. Rood said there are about 5 other properties that should have been cited. Mr. Markey said we have to keep moving forward and keep improving this town and we have to take the right steps. Mr. Markey told Atty. Harrison to do what he has to do and we need to find a code enforcement officer. Mr. Rood's advice is to sit down with NEIC and ask how they would handle this and what would the initial fee be for the first letter.

Mr. Smith asked Mr. Rood to specifically say why he resigned. Mr. Rood said it took away from his business so much and his hands were tied with the red house. Mr. Rood said since that 14 day window that he received his letter he should have been getting fined but there is no fine schedule set up. Mr. Smith said there was a meeting two months ago in regards to the schedule; he thought we had started the process. Mr. Rood said Atty. Moran said he had a fee schedule to go by. Mr. Smith said we have one big problem that we have been dealing with for years, lets focus our attention on getting this done right. Let's start off where we left off and be aggressive in how we pursue this. It might cost us money but in the long run it will be worth it, once people realize that there are teeth behind this and we enforce these codes it makes a difference. Mr. Smith said if we are going to let it go then we are not going to enforce any ordinance. Mr. Napoli said for the next meeting we need to have Atty. Moran's office get us the fee schedule so we have a set fee schedule. Atty. Harrison said the one we obtained from Archbald was the wrong fee schedule. Mr. Smith said let's make this red building our number one focus right now and not worry about anything else until we get this straightened out. Mr. Kulick asked if we have to go through the court to fine them \$100/ per day. Atty. Harrison said no the Borough itself would through the ordinance. Mr. Kulick said we have an ordinance for the rental units, the next step is to start fining \$100 per day up to 5 days and after the 5 days by ordinance we can go shut that rental property down. There are still several people who have not paid for their rental permits. They have been sent notifications and the process of being fined \$100 per day will start. Mr. Chase asked if the tenants know that the landlord has not paid. Mr. Kulick said the tenants probably don't have a clue. Mr. Markey asked if we should post a courtesy letter on the door of each apartment building. Mayor Smallacombe said we have to give them a 30 day notice to get out of the building. Mr. Kulick said we will send the registered letter to the owners telling them effective Monday they will be fine \$100 a day if they do not pay the fine by the date on the notice the tenants will be given notice they have 30 days to leave the property.

Mr. Kulick said this town like any other town when they made the decision to have a Borough manager that was the right decision but was made with the wrong person because there is so much stuff in the day to day administration of a government municipality that you need a good qualified Borough Manager. Mr. Parks agreed. Mr. Kulick said we all put in a lot of time. Mr. Smith said the idea of a Borough Manager is extremely important; everyone on this council has something to do in their business or personal life. The Borough Manager was hired to do specific jobs which were to tend to

the wishes of council. He said the last step to take was the hardest step and it was taken and we improved ourselves, like everything else you learn from your experiences.

Mr. Kulick said we need to continue to educate ourselves. The problem in the past and last year that we do not educate ourselves, we do not go to seminars. Mr. Smith asked Mr. Markey if we eliminated that part time assistant position. Mr. Markey said we kept it in the budget for \$1,000. Mr. Smith said we kept it so we can send the Borough Secretary to classes without having to close the office.

A motion was made by Mr. Napoli and seconded by Mr. Smith to adjourn the meeting at 9:45 p.m. All in favor; motion carried.